IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 29610 of 1998

Between:

Vanka Bhavani S/o Nageswararao
R/o Mandapeta, East Godavari District.

..... PETITIONER

AND

Mandapet Municipality Rep. by its Commissioner,
East Godavari District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction, more particularly one in writ of mandamus declaring the action of the respondents in seeking to demolish the compound wall with brick furnace at Dr.No. 17-1-58 in Ward No.18, Mandapeta Municipality of the petitioner as illegal, arbitrary and violative of the Fundamental Rights guaranteed under the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the said property of the petitioner.

Counsel for the Petitioner:MR.T.V.S.PRABHAKARA RAO

Counsel for the Respondent : MR.S.NAGESWARA REDDY

The Court made the following:

ORDER:

This Writ Petition is filed to issue a Writ of Mandamus declaring the action of the respondents in seeking to demolish the compound wall with brick furnace at Door No.17-1-58 in Ward No.18, Mandapeta Municipality of the petitioner as illegal, arbitrary and violative of the fundamental rights.

This Court, while admitting the writ petition, granted interim direction on 26-10-1998.

Paragraphs 3 and 4 of the counter affidavit filed by the respondents read as under:

> " It is submitted that the petitioner constructed compound wall and furnace on the drainage canal. Due to compound wall the water in drainage canal stagnated and over flowing on the road. This causes hardship to the local people. And the smoke emanating from furnace causing pollusion. The people of the locality complained to the municipality against the petitioner. Hence, the municipality asked to the petitioner to remove compound wall and furnace.
>
> It is further submitted that this Hon'ble Court granted interim direction not to demolish compound wall with brick furnace. Due to the complaint from the public the municipality again approached the petitioner to remove compound wall and furnace. On 2-12-1998 the husband of the petitioner himself

removed compound wall and furnace which causing much hardship to the people of the locality."

In view of the voluntary removal of the compound wall by the petitioner himself, no further orders are necessary in this writ petition.

The W.P. is dismissed as infructuous. No costs.

` N.V.RAMANA,J

10/03/2005

Stp

To

The Commissioner, Mandapet Municipality,
East Godavari District.

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